

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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EDGAR SANTAMARIA, on behalf of	:
himself and all others similarly situated,	:
	:
Plaintiff,	:
	:
-against-	:
:	:
HOMEMADE TAQUERIA CORP., HOMEMADE	:
TAQUERIA II CORP., and HILARIO MORALES,	:
	:
Defendants.	:
-----X	

21 Civ. 3562 (ENV)(SJB)

**STIPULATION
AND ORDER**

WHEREAS, Plaintiff Edgar Santamaria (“Plaintiff”) filed a Complaint in this action and has stated an intention to seek conditional certification of a Fair Labor Standards Act (“FLSA”) collective action pursuant to **29 U.S.C. § 216(b)**;

IT IS HEREBY STIPULATED AND AGREED, by and between the parties, through their respective attorneys, as follows:

1. The parties stipulate and consent to the conditional certification of an FLSA collective action consisting of:

All individuals employed by Homemade Taqueria Corp. or Homemade Taqueria II Corp. as delivery workers at any time from June 24, 2018, to the present in the following restaurants: (1) Homemade Taqueria – Long Island City located at 45-09 34 Avenue, Long Island City, NY 11101; (2) Homemade Taqueria – Ozone Park located at 9409 101 Avenue, Ozone Park, NY 11416; and (3) Homemade Taqueria – Kew Gardens located at 8060 Lefferts Boulevard, Kew Gardens, NY 11415¹; (the “FLSA Collective”).

2. The parties have negotiated an FLSA § 216(b) notice (“Notice”), a consent to sue form (“Consent”), and a reminder letter (“Reminder Letter”) to be sent to the FLSA Collective in both English and Spanish. The documents are attached as Exhibit A.

3. Within fourteen (14) days of the date of this Order and the Court’s approval of the Notice and Consent, defendants Homemade Taqueria Corp., Homemade Taqueria II Corp., and Hilario Morales (collectively, the “Defendants”) shall provide Plaintiff’s counsel with a list (the “List”) containing the following information of the persons identified in paragraph “1” of this Stipulation and Order: (a) full names (if known); (b) last known mailing addresses; (c) last known telephone numbers; (d) last known e-mail addresses; and

¹ (1) Homemade Taqueria – Long Island City; (2) Homemade Taqueria – Ozone Park; and (3) Homemade Taqueria – Kew Gardens are collectively referred to herein as the “Restaurants”.

(e) dates of employment of all individuals who worked as delivery workers at the Restaurants at any time since June 24, 2018.

4. Within fourteen (14) calendar days from the date this Order is entered, Defendants shall conspicuously post copies of the Notice in English and in Spanish at each of the locations of Homemade Taqueria listed in Paragraph 1 of this stipulation and proposed order, in a common, non-public area frequented by the delivery workers described in Paragraph 1 of this stipulation and proposed order.

5. Within twenty calendar (20) days of Plaintiff's counsel's receipt of the List from Defendants, Plaintiff's counsel shall cause copies, in English and Spanish, of the agreed upon Notice and Consent to be sent to the individuals set forth on the List by first class mail (if residential address known), together with a stamped return envelope addressed to Plaintiff's counsel, by e-mail, if an e-mail address was provided, and by text message, if a telephone number was provided.

6. Within forty-five calendar (45) days of Plaintiff's counsel's mailing of the Notice, Plaintiff's counsel shall cause copies of the Reminder Letter and Consent to be sent to the individuals set forth in the List by First Class Mail, together with a stamped return envelope addressed to Plaintiff's counsel, and by e-mail, if an e-mail address was provided, and by text message, if a telephone number was provided.

7. If any of the Notices and Consents sent to the individuals in the List by Plaintiff's counsel are returned as undeliverable, and the telephone number and e-mail address of the individual is not valid or active, Plaintiff's counsel shall notify Defendants' counsel, and the parties shall discuss available additional contact information regarding the individual, including the availability of emergency contacts and potential contact through other individuals reflected in the List.

8. Consent to Sue forms shall be returned to Plaintiff's counsel.

9. As set forth in the Notice, the putative participants in the action identified above shall have sixty (60) calendar days from the mailing of the Notice to join this action by postmarking, faxing, or e-mailing their Consents to Plaintiff's counsel.

[INTENTIONALLY BLANK, CONTINUED ON NEXT PAGE]

10. Defendants shall provide Plaintiff's counsel with schedules, payroll, punch in/out records, wage statements, and wage notices in their possession for each individual opting into the case within thirty (30) days after the end of the opt-in period.

Respectfully submitted,

Dated: New York, New York
July 15, 2022

PECHMAN LAW GROUP PLLC

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SO ORDERED.

/s/ Sanket J. Bulsara July 18, 2022
Honorable Sanket J. Bulsara
United States Magistrate Judge

Dated: Brooklyn, New York

July 18, 2022